

EXHIBIT 9

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)	
)	
Plaintiff,)	
)	
vs.)	No. 20-cv-00983-TSZ
)	
CITY OF SEATTLE,)	
)	
Defendant.)	

VIDEOTAPED VIDEOCONFERENCE

30(B)(6) AND INDIVIDUAL
DEPOSITION UPON ORAL EXAMINATION OF
MAMI HARA

(CITY OF SEATTLE)

Seattle, Washington

(All participants appeared via videoconference.)

DATE TAKEN: OCTOBER 4, 2021

REPORTED BY: CINDY M. KOCH, RPR, CRR, CCR #2357

1 of -- the activities that were going on from a number of
2 different parties, yeah.

3 Q. What sort of activities would have led to a
4 determination that people should not go into the area?

5 A. When I would sometimes know that there were
6 different city services -- other city activities going
7 on that might raise some -- you know, elevate
8 temperatures, you know, I might say let's hold off and
9 pick up a little bit later, or tomorrow.

10 Q. What sort of activities would have raised
11 temperature?

12 A. For example, if the city were, you know, intent
13 on cleaning up the park or moving barriers, those kinds
14 of things might have -- might have raised the
15 temperature.

16 Q. Why would those things have raised the
17 temperature?

18 A. From my perspective, and this is just my
19 assessment, people don't like change. And so it was
20 just, you know, me being extra cautious to make sure
21 that -- you know, and -- that -- that, you know, that
22 we -- that our services were not in any way complicating
23 any discussions that might be going on.

24 Q. Were you concerned that there might be pushback
25 or even violence from -- by the people in the area if

1 you came in and did certain services on certain days?

2 MR. CRAMER: Objection. Form.

3 A. My concern really was not around violence, per
4 se, against our city -- against, you know, our -- our
5 workers. Our workers, you know, were -- their services
6 were accepted and, you know, they didn't have any
7 issues. I just -- from -- from my perspective, it was
8 just better for us not to be, you know, in the middle
9 of, you know, whatever discussions or coordination may
10 be going on on the part of others. You know, it's kind
11 of disruptive to have a trash truck rolling through, you
12 know, a meeting, you know. It was just really not -- I
13 do not recall being concerned about -- about violence.

14 BY MR. WEAVER:

15 Q. So you're saying that the primary concern in
16 not sending the garbage trucks through the area on
17 certain days or times was because you were worried about
18 upsetting certain discussions in the protest area?

19 A. Just -- the -- there were a lot of people there
20 at some points in the protest area, not just protesters.
21 There were tourists, there were city officials, there
22 were a lot of different people, and there were -- and --
23 and during times of change it felt -- you know, it felt
24 just really wise to not be part of the mix.

25 (Exhibit No. 3 marked.)

1 you -- I just want to make sure you see it.

2 A. (Witness nods head.)

3 Q. Okay. By the way, so you know, the court
4 reporter can't pick up head nods, so it's -- if you say
5 "yes" it will actually show up on the record, but I'm
6 just letting you know.

7 A. Yes, I have -- I have read the first paragraph.

8 Q. Okay. All right.

9 So this indicates that most business dumpsters
10 from the block around the east precinct were removed at
11 the request of the Seattle Police Department.

12 Do you recall that they were removed on the 8th
13 or 9th?

14 A. I -- if they -- I -- I'm sure they were. I do
15 not recall the specific date that we removed them
16 because they were -- we -- Seattle Public Utilities
17 removed many dumpsters and returned many dumpsters at
18 different periods depending on, you know, the need to
19 reduce the potential for -- for -- for fires in
20 dumpsters.

21 Q. Okay. Why was there a concern about fires in
22 dumpsters at that time period?

23 A. Whenever there are protests in this city and
24 other cities, it is a -- you know, there's always the
25 potential for -- for fires in dumpsters to occur. So it

1 is, you know, common practice for Seattle Public
2 Utilities in case of any kind of, you know, large
3 protest to -- to manage dumpsters and to be thoughtful
4 about, you know, how to manage them.

5 Q. Okay. So would you say it was constant during
6 the period of June 8th to July 1, 2020, in the area
7 we've been talking about, that dumpsters not be left
8 unmanaged for fear that they might be set on fire?

9 MR. CRAMER: Objection. Form. Misstates.

10 A. The -- it was -- you know, the -- it is
11 possible that there could have been fires, and so it
12 was, you know -- it was our responsibility to ensure
13 public health as much as we could if there were
14 unmanaged dumpsters for lots of reasons; right? And so,
15 you know, we were just very carefully monitoring the
16 trash and litter and dumpster situation throughout that
17 area and -- and other protest areas in the city.

18 BY MR. WEAVER:

19 Q. Sure. And the -- but in this area you were
20 concerned about fires over a period of three and a half
21 weeks or so; is that right?

22 MR. CRAMER: Objection.

23 A. If I could clarify, it is really -- this --
24 it's really for any kind of protest, if there are going
25 to be any kind of known large ac- -- protest activities

1 or gatherings, Seattle Public Utilities in all parts of
2 the city, including this one, you know, does manage to
3 make sure that there's no risk of -- of -- of, you know,
4 garbage -- too much garbage or -- and also -- also
5 fires.

6 BY MR. WEAVER:

7 Q. Okay. Well, specifically in this area, from
8 June 8th through July 1, 2020, was the city concerned
9 about dumpster fires?

10 A. We -- we were concerned at points that there
11 might be the potential for dumpster fires, yes.

12 Q. Okay. And -- and as a result you moved and
13 then sometimes moved back and then sometimes maybe moved
14 again certain people's dumpsters in the area?

15 A. We -- we did have some customers who had some
16 trouble just making sure that their dumpsters were taken
17 inside or properly locked and managed, so, you know, we
18 would work with them for -- with alter- -- for
19 alternative approaches, yes.

20 Q. Okay. Were there some people in the area, some
21 customers, who didn't have dumpsters at all during this
22 time period of June 8th to July 1st?

23 A. I would have to go over the record to know if
24 there were any that didn't have any at all, but we had
25 provision -- we provided for there to be large dumpsters

1 available for anyone all along -- along the perimeter of
2 the area just in case folks didn't have, you know,
3 access to their own dumpster at any given point. And
4 so -- and so we managed those on a daily basis and made
5 them well -- well known to folks, and would -- would
6 sometimes help them to, you know, move those things,
7 move -- move their -- move their trash or to just pick
8 it up in, you know, pickup bags instead. Definitely we
9 picked -- we had -- we had a lot -- a lot of bag
10 collection in the -- in the zone.

11 Q. Okay. Okay. If you could go up to
12 Mr. Van Dusen's -- the top, the first page. His update
13 on June 12th at 3:00 p.m.?

14 A. Okay. I'm there.

15 Q. Okay. Great. With regard to what he says
16 about customer waste services, he indicates that -- SPU
17 calling and visiting with businesses and residential
18 customers within the -- and near the zone to clarify any
19 service changes.

20 Do you recall what that would have been, or do
21 you know?

22 A. So what is your question?

23 Q. What exactly the -- was going on with service
24 changes that were requiring calls and visits to
25 customers in the area.

1 A. On June 12th specifically?

2 Q. On June -- let's start with June 12th, if you
3 remember June -- if you know anything about June 12th
4 specifically.

5 A. So June 12th specifically, I don't know
6 exactly, you know, what the -- you know, I would have to
7 look at the record to see which dumpsters we had taken
8 and which ones we were returning, but when I -- when I
9 read this, you know, what I -- what I remember, you
10 know, from that time is that we were always aiming to
11 make sure that if a con- -- if a customer could safely
12 store their containers, then we would, you know,
13 absolutely return them and have designated times for
14 pickup.

15 If they did not have containers that they could
16 safely store, we were working with them and calling them
17 to provide for alternative approaches that would -- you
18 know, such as bagging their garbage, and then we would
19 have a regular pickup for -- for all of -- all of those
20 bags.

21 Q. Where would the bags be picked up?

22 A. For some of them, from in front of their
23 properties and, you know, some preferred, you know, a
24 designated away -- area away from their properties, I
25 believe. And we also -- I do also, you know, remember

1 that some of them, you know, actually really appreciated
2 and used the large dumpsters that were on the perimeter
3 of the -- of the area.

4 Q. Okay. So if you could go under the same email,
5 same page, under "Public waste services," Mr. Van Dusen
6 indicates that, "much of public degree -- debris
7 collected from -- from -- I think he -- he says "form,"
8 but I think he means "'from' bagged consolation [sic] at
9 12th and Pine."

10 So were there piles of bags in certain areas
11 that had been designated where people would just leave
12 their bags of trash for pickup at some point by Seattle
13 Public Utilities?

14 A. There -- there were probably some designated
15 areas, but we were also -- we regularly picked up the --
16 any bags of trash that were left anywhere so actually --
17 no, now that I recall it, there were -- there were a
18 couple areas that were -- that I remember being
19 designated trash bag collection points, but we also did
20 have a lot of ad hoc litter bags that would be put in
21 different places that -- you know, in piles, and then we
22 would go and pick them up on a daily basis.

23 Q. Were there some days where you weren't able to
24 go and pick those up because it was determined you
25 should not go in the area at all?

1 A. If -- there -- there were a couple days that I
2 remember that, you know, I -- I had to call it off, but
3 it -- but I do remember that on the whole, that we were
4 able to keep things very clean because I was there and
5 would sometimes move the bags to the large dumpsters, or
6 other people from Seattle Public Utilities would be
7 there, and so I do not remember a large accumulation
8 of -- of litter or trash bags.

9 Q. But you do recall that there were some days
10 where you couldn't go in and get the trash at all; is
11 that correct?

12 A. That we would just leave it there for a -- a
13 day? I -- I'm trying to remember an accumulation where
14 we would leave it for a whole day, and I don't -- I
15 don't recall -- I don't recall that, but if we -- that
16 we wouldn't do anything. But, you know, it -- it's
17 possible that there might have been, but, you know, we
18 made -- we did our level best to make sure that all
19 litter and garbage was picked up that was, you know, in
20 bags on the -- you know, in the right-of-way.

21 Q. Okay. Going back up to the customer waste
22 services and the last section in that paragraph --

23 A. Could you go -- tell me what page you want me
24 to go to?

25 Q. The same -- the same page that we've been on,

1 the first page. It's just the paragraph on June 12th
2 that indicates Customer Waste Services.

3 A. Okay.

4 Q. And the last sentence of that. I'm
5 specifically going to ask about the last sentence of
6 that paragraph. This seems to indicate that there were
7 still customers without their own waste containers in
8 the area. Is -- was that -- was that accurate, that as
9 of June 12th, there were not -- there were some people
10 who didn't -- still didn't have their garbage cans or
11 dumpsters?

12 A. I believe that there were some customers
13 that -- whose -- whose containers had been taken, but,
14 you know, we coordinated with them so that their trash
15 would be removed even if their containers were not
16 there.

17 Q. And part of what -- part of your coordination
18 of that was to provide large shared dumpsters at a
19 couple intersections in the area; is that right?

20 A. The large dumpsters were a part of an overall
21 strategy to ensure that no debris or, you know, garbage
22 would collect in that area.

23 Q. So am I understanding you to -- your testimony
24 to be that large amounts of garbage did not accumulate
25 in the area during the period of June 8th to July 1,

1 2020?

2 A. Overnight near the park, because there were
3 several houseless people, or many houseless people in
4 the park, you know, there would be a large pile of
5 garbage at times, you know, in -- near the dumpsters,
6 you know, because there was more than the dumpster --
7 but we said we up -- we had to upsize the dumpster
8 there. And that is my -- I believe that's -- that that
9 is the point at which I -- you know, and I think that
10 perhaps that maybe Rio Bravo had so much activity that
11 they might have had some bags next to their dumpsters,
12 but those were always collected.

13 Q. What do you mean by "upsizing the dumpsters"?

14 A. The -- at -- down at 12th and -- sorry -- 11th
15 and Olive, I believe that we moved to a larger dumpster
16 at some point that could accommodate the full -- the
17 full need.

18 Q. For -- and that was for both people who were
19 staying overnight in the area, people who were coming
20 during the day in the area, and then also businesses and
21 residents in the area? Anybody could use it?

22 A. Those dumpsters were provided for everyone's
23 use so that no debris or trash would accumulate in the
24 area.

25 Q. Okay. Again, is it your testimony that debris

1 safe enough area for us to continue to provide services.

2 Q. Was it the case that sometimes you had to
3 personally stand guard at an entrance to the area so
4 that trucks could come in and out of the zone?

5 MR. CRAMER: Objection. Form.

6 A. I wouldn't use the word "guard," per se. I
7 think I did have a couple days where there was a little
8 bit of delay -- you know, just con- -- I think
9 miscommunication if there was somebody doing dispatch if
10 Chad wasn't there that, you know, I just needed to make
11 sure that it was -- all of the coordination was
12 happening as fluidly as possible, and there might have
13 been a -- you know, a hiccup or two. But generally, you
14 know, I -- I don't think that "guard" -- I did not -- I
15 did not provide guard services. I might have to go to,
16 you know, say, someone who had a barrier up and say,
17 hey, just -- you know, you -- that doesn't need to be
18 there during the day. You have to -- or at all, you
19 know. Just please -- please remove it. And people were
20 always very compliant and understood, you know, the need
21 for services to flow.

22 BY MR. WEAVER:

23 Q. Do you recall times where you were standing at
24 a barrier waiting for trucks so that you could ensure
25 that they could get into the area?

1 A. I do remember standing at barriers just to make
2 sure that all the services were concierged well to come
3 in and out of the area.

4 Q. Why did you feel it was necessary for you to
5 stand at the barriers to ensure that would happen?

6 A. It's a very -- that -- you know, when you look
7 at an area like that where there's no, you know, real
8 organization, there are sometimes different people who
9 are in different spots who don't know about our
10 services, who are, you know, maybe new, had just come in
11 and didn't understand our public mission yet and so, you
12 know, sometimes I had to go and talk to them and
13 explain, you know, that, you know, city services needed
14 to continue to flow through, and -- you know, so it was
15 more kind of education relationship building and then
16 also, you know, concierging the entrance in and out so
17 that everybody could see each other and, you know,
18 develop the relationships necessary so that if a -- you
19 know, so that traffic could continue to flow through
20 from our services.

21 Q. Is that something that you typically do in your
22 job as the head of Seattle Public Utilities?

23 A. It is -- my job has a lot of different demands,
24 and -- and I have to be flexible and modify what I do
25 based on the demands of any given time. This has been a

1 really stressful time with COVID and, you know, the
2 civil unrest and, you know, all kind -- you know, this
3 has been an extraordinary period. And so in my role at
4 Seattle Public Utilities, I constantly have to adapt and
5 do what is needed to ensure that our -- that our
6 services continue to all of our -- our customers and our
7 community.

8 Q. Can you recall another time in your times -- I
9 mean, you've been at the City for about five years now;
10 right?

11 A. That's correct.

12 Q. Can you recall another time in your job, your
13 current job, where you spent the better part of three or
14 four weeks concierging entry into a certain area for
15 your garbage trucks?

16 A. I can say without a doubt I have not had to
17 spend that amount of time concierging that particular
18 service, but there have been other times when I have
19 been on the ground and, you know, gone to talk to
20 businesses and, you know, tried to coordinate things to
21 make sure that, you know, our community knows that
22 we're -- we're -- that we're there for them and doing
23 whatever we can.

24 Q. So have you had to concierge entry of garbage
25 trucks in an area at any other time, even if it was once

1 or twice, during your time as director of Seattle Public
2 Utilities?

3 A. There -- I'm trying to think. I can't remember
4 a time right now, but there have been times when I've
5 had to, you know, personally, you know, go into the
6 field and ask crews to -- you know, say there was an
7 event, you know, like a parade or a -- you know, some
8 kind of protest, you know, to -- to, you know, just
9 help -- help our crews and the community, you know, come
10 to an agreement about timing and location, and so, you
11 know, in a way concierging our services, yes, is not --
12 is not -- is not something I have not done before.

13 Q. Okay. Have you ever done it for more than one
14 day for any particular event?

15 A. I don't recall doing that.

16 Q. Why did you feel it was necessary for you to be
17 on site every day, except for a couple days where you
18 were out of town, from July [sic] 8th to July 1, 2020?

19 A. Because it -- well, I -- this was a situation
20 that was a very unprecedented situation. You know, with
21 the period beforehand and the -- you know, all of the
22 civil unrest, all of the -- you know, the protest
23 activities, you know, it just -- it was -- it -- it --
24 it just -- to -- you know, it was very fluid; right?
25 There were a lot of -- there were a lot of things going

1 on, and it felt like the right thing to do in order to
2 make sure that, you know, we could have as much
3 continuity as -- as we possibly could and to make sure
4 that the residents and the businesses, everybody who was
5 there, you know, felt as safe and cared for in terms of
6 their, you know, services as possible, in terms of
7 their, you know, utility services as possible.

8 Q. Were you concerned that if you were not there
9 in a personal role to concierge entry, that there would
10 be conflict between Seattle Public Utility workers and
11 people who were manning the barriers in the area?

12 A. So, you know, as I said before, in that
13 situation there were sometimes people who were
14 unfamiliar with our services. I don't know that there
15 would necessarily have been -- that I was worried about,
16 you know -- you know, con- -- you know, any kind of
17 serious conflict, but I -- I do feel that it was, you
18 know -- it was important to try to make sure that
19 everybody was as calm and -- you know, and -- and things
20 went as smoothly as possible, and that, you know, that
21 we -- that our -- that -- that the people hauling waste
22 wouldn't have to, you know, worry at all about, you
23 know, having a conversation or, you know, just that it
24 was -- but I think that at times -- lots of times, you
25 know, I -- I -- I mean, I can't be at every single

1 entrance every single time that services did flow, and
2 there were -- there were no conflicts, you know. So I
3 don't -- it was not -- it was not an overwhelming, you
4 know, worry. It was just something that I just wanted
5 to make sure that there would not have to -- you know,
6 that everything was smooth.

7 Q. Okay.

8 MR. CRAMER: Tyler, some of these --

9 MR. WEAVER: What's that?

10 MR. CRAMER: Some of these are verging kind
11 of outside of the 30(b)(6) as to how, you know, how Mami
12 was personally --

13 MR. WEAVER: I understand that, but some of
14 these questions -- some of these answers, I have to -- I
15 can't just let them sit. I'm trying to keep it focused
16 on the 30(b)(6) to the extent I can. I do appreciate
17 that.

18 (Exhibit No. 5 marked.)

19 BY MR. WEAVER:

20 Q. I have dropped into the chat an Exhibit 5, and
21 again, this is an email chain.

22 A. I have it open now.

23 Q. Okay. I'd like you to scroll down to June 10,
24 2020. There's an email from Jana Elliott at the bottom
25 of Page 3.

1 Q. Okay. And these would have been sent with your
2 knowledge, these -- these emails; is that correct?

3 A. Yes. Those would have been based on my
4 determination.

5 Q. Okay. And I just want to ask you one more
6 time. Why was the recommended daily access 7:00 to
7 10:00 a.m.?

8 A. You know, in this one, it says -- the -- the --
9 there was something about escalation with Seattle Police
10 Department the day before. I don't -- I apologize, I
11 don't remember that. Police may be able to discuss that
12 with you. But you know, at that time I believe that
13 there was already -- there was already just a lot of
14 people coming in during the day and, you know -- so, you
15 know, it probably was just this seemed like a good time.
16 If it were dangerous -- if it were dangerous, I would
17 not have suggested that our staff could go in during
18 that time.

19 Q. Okay. Was your concern that you didn't want to
20 disrupt the protests that were going -- or the teachings
21 or events that were going to happen later in the day in
22 the area, after 10:00 a.m.?

23 A. It's not necessarily that we were trying to not
24 disrupt their -- the activities that were happening
25 during the day, you know, later on in the day. It's

1 just that -- it's just so much smoother when there are
2 not a lot of people in the way of the garbage trucks;
3 right? That it's just -- there were a lot of
4 pedestrians that were in the middle of the street from
5 all over the place, and it was just so much better for
6 us just to, you know, have our services completed before
7 things got busy, you know, in any way.

8 Q. All right. So generally it's difficult to move
9 a garbage truck down a street when there are barriers
10 and cars parked in the street and people all over the
11 street; is that right?

12 A. The -- the barriers were put -- the -- they
13 were -- the -- the -- you know, the barriers were like
14 in different places on the perimeter, but they could
15 flow freely past those barriers during the day, and it
16 was mostly just the people. There were not cars, like,
17 all -- like all over the inside of the street blocking
18 all of the streets. It was mostly -- I mean, sometimes
19 there might be a big circle of people and a stage, you
20 know, or things put up, but generally it was just -- it
21 was people that were in the streets, and it was better
22 for us to do all of our work when there were not a lot
23 of people around.

24 Q. All right. And the circles and stages you're
25 talking about were in the middle of the street; is that

1 right?

2 A. I think there were a couple of occasions when
3 there were -- a stage was erected on the side of the
4 street next to the east precinct, and so I don't know
5 how much the stage was intruding into the -- you know,
6 into the right-of-way -- or into the car way.

7 Q. How did the provision of -- how did the
8 modification of City -- City services to businesses and
9 residents in the area facilitate the exercise of first
10 amendment activity in that area?

11 A. Could you repeat your question?

12 Q. All right. If you can go back to Exhibit 2.
13 And at the top of Page 3 of that exhibit, Page 2 of the
14 order.

15 A. Page 3 of this exhibit?

16 Q. Page 3 of the exhibit, yep.

17 A. All right.

18 Q. This indicates that in the area defined here,
19 the City has reasonably facilitated an ongoing exercise
20 of first amendment rights and demonstrations by, among
21 other things, facilitating modified services delivery to
22 local residents and businesses.

23 Do you see that?

24 MR. CRAMER: So objection. Outside the
25 scope of the 30(b)(6) with respect to testimony

1 prevent -- this was during COVID as well, you know,
2 to -- with a large congregation of people from all
3 overcoming in on a daily basis. It -- you know, our
4 responsibility was also to make sure that we could do
5 what we could to stem any kind of, you know, public
6 health outbreak by providing, you know, services.

7 BY MR. WEAVER:

8 Q. Okay. So you can't speak to how
9 facilitating -- how facilitating modified city services
10 delivery reasonably facilitated the ongoing exercise of
11 first amendment activities; correct?

12 A. I -- like I said, I can't --

13 MR. CRAMER: Same objection.

14 A. Yeah, I -- I -- I cannot speak to that because
15 that's -- our -- our -- what drove us was public health
16 management.

17 BY MR. WEAVER:

18 Q. Okay. Another topic that you have been
19 designated for is to talk about the provision of basic
20 hygiene, water, litter, and garbage removal to the CHOP
21 area and to the protesters.

22 You're -- and I think we established you're
23 aware that you've been designated for that; right?

24 A. Yes.

25 Q. What can you tell me about the water that was

1 provided to protesters and people living in the area
2 during the period of June 8, 2020, to July 1, 2020?

3 A. We had a few hand washing stations that had
4 water tanks that needed to be refilled to allow for hand
5 washing, you know, with soap and water. And we --
6 also -- I don't know that we provided it, but, you know,
7 the water was on -- largely on at the park, you know,
8 and so, you know, they were using our system in order to
9 have the water on at the shelter house for the park.

10 Q. Okay. So what water in the park? Was -- was
11 there a hose, was there a faucet? What sort of water
12 source was being provided in Cal Anderson Park?

13 A. In Cal Anderson there was a -- a -- a hand
14 washing station, a durable hand washing station with a
15 50-gallon tank, and that was just for hand washing, and
16 then I believe that just -- because it's there, there's
17 a hose bib at the shelter house that was -- that's
18 normally used for maintaining the grounds, yeah.

19 Q. Okay. Were you aware during your trips to the
20 area that the hose was being used for use by a garden
21 that had been dug into the Cal Anderson Park at that
22 time?

23 A. From -- to -- to -- when the garden was
24 developed in the park, I believe -- you know, that -- I
25 believe that the only access to water that they had was

1 the hose bib that was attached to the shelter house.

2 Q. Do you know whether the water from that hose
3 bib was being used as drinking water or some other water
4 source by people who were occupying the park?

5 A. No, I'm not -- I'm not aware.

6 Q. Do you recall at some point that Seattle Public
7 Utilities shut that water source off in the park?

8 A. There was one instance where we were asked to
9 shut off the water and -- and then restore it shortly
10 thereafter.

11 Q. Okay. Do you know why it was restored shortly
12 thereafter?

13 A. The -- the -- I mean, it's just -- it's a -- to
14 have water when you're -- when you have that many people
15 or, you know -- I'm going to assume that it was just
16 because we needed to ensure that there was -- you know,
17 that there was a supply of -- of fresh drinking water if
18 needed.

19 Q. There was a concern with -- with the number of
20 people that were in the park, that they wouldn't have
21 drinking water if that water was shut off; correct?

22 A. You know, just water, you know, for any kind
23 of -- you know, whenever there's a congregation of
24 people is a pretty basic provision. There was a lot of
25 drinking water because of donations. There were a lot

1 was, but it seem- -- but if I remember correctly, it was
2 potentially part of a whole set of actions designed to
3 help to clear the park.

4 Q. Okay. What do you know about any electricity
5 services that were provided to the area and specifically
6 to Cal Anderson Park that were not normally provided to
7 the area during that time period?

8 A. There were a lot of requests for additional
9 electrical service to the park. You know, people wanted
10 to charge their phones and things. But it was not --
11 but that was not, to my knowledge, in any way, you know,
12 provided. At additional -- no -- I do not believe that
13 any additional electrical service was provided.

14 Q. How about additional lighting in Cal Anderson
15 Park during hours that there would not normally be
16 lighting? Are you aware of anything to that effect?

17 A. I believe that for safety reasons some of --
18 sometimes the field lights were left on for longer than
19 they would normally be on -- be left on, but those were,
20 you know, kind of existing lights and just management of
21 the hours that those lights were on.

22 Q. Why -- why was that seen as necessary for
23 safety purposes?

24 A. It was -- if I remember correctly, it was the
25 request of, you know, folks just feeling like it would

1 be -- it would -- it would feel safer to have the lights
2 on for longer.

3 Q. Okay. Who were the people that requested it?

4 A. I don't know who was requesting it. I
5 apologize.

6 Q. Okay. You didn't get any of those requests
7 yourself, personally?

8 A. I may have, but I don't remember those -- I
9 mean, I had a lot of requests all the time for all kinds
10 of things.

11 Q. So you don't know whether it was the people who
12 were in the park overnight who were requesting that the
13 lights be on all night, or longer than usual?

14 A. I don't remember who asked me or who asked the
15 parks, you know, to manage their light -- that -- the
16 hours of the lights, but it's possible that, you know,
17 people in the park asked, or -- or residents, you know.
18 I'm not sure.

19 Q. But there -- never mind. I'll let it go.

20 So what sort of -- did the City provide
21 portable toilets to the area that are not normally there
22 during the period of June -- June 9th to June 30,
23 2020 -- or sorry, June -- June 9th to July 1, 2020?

24 A. The -- the context for what's normally there is
25 a little -- was a little different at that time because

1 many there were before and then during that week.

2 (Exhibit No. 10 marked.)

3 BY MR. WEAVER:

4 Q. I'm going to drop Exhibit 10 in. It should be
5 on its way.

6 A. Okay. I have it open now.

7 Q. Okay. This is an email with an attachment,
8 again from Mr. Van Dusen, and if you could go to the --
9 the second page. You may need to rotate it, but maybe
10 you're better at reading sideways than I am.

11 A. I see what you're saying. This is from
12 June 14th. Okay. I'm looking at the map now.

13 Q. Okay. So this seems to indicate on the left
14 that there were a total of 21 City Sani-Cans at this
15 point.

16 Do you see that?

17 A. It says that there are nine, plus eight, plus
18 four around the perimeter of the -- of the site.

19 Q. Okay. So that adds up to 21; right?

20 A. (Witness nods head.)

21 Q. Okay. And they were -- were these owned by the
22 City of Seattle or were they contracted out to a third
23 party to provide these services?

24 A. I believe that the majority of them were -- are
25 owned and managed via contract by Honey Bucket.

1 Q. And it looks like they were -- if I'm reading
2 this correctly, they were -- they were daily pumped --
3 they were pumped out daily during this period in
4 June 2020; is that right?

5 A. They were pumped out at least daily in
6 June 2020. I think we may have had some modification
7 based on demand.

8 Q. And -- and sometimes -- I think we've seen that
9 sometimes there were days where they were told not to go
10 in as well; is that right?

11 A. Those were rare days, yes, but maybe near the
12 end, but we, you know, freq- -- we -- we worked very
13 hard to make sure that they didn't overflow.

14 Q. Okay. How was it determined that there should
15 be 21 Sani-Cans in this general area?

16 A. You know, we monitored them, and if -- and I
17 mean, this is a little gross, but if they were, you
18 know, at capacity and we were nearing any kind of, you
19 know, real issue with capacity -- if they were -- I
20 mean, I cannot describe to you how many tourists there
21 were. That, you know, we would -- we would sometimes
22 add some, you know, to accommodate, you know, the -- the
23 additional crowds. But we also would remove them if
24 they -- you know, if they were -- if they were no longer
25 needed. So it was really based on monitoring.

1 Q. Okay. Do you -- do you know whether you
2 added -- as of, you know -- this appears to be as of
3 June 12th, or June 14th. The attachment says June 12th,
4 but I think the email -- the cover email is June 14th.

5 Do you know whether between this period and
6 July 1st there were more Sani-Cans added or whether some
7 were removed prior to July 1st?

8 A. Yeah, I -- I'm -- I apologize. I don't
9 remember the dates for, you know, the addition or
10 removal of the different cans, but I -- all I remember
11 is that we were just monitoring them to make sure that
12 we tried to have the right balance in order to ensure
13 public safety, or public health, I mean.

14 Q. Okay. Was there ever -- was there ever any
15 discussion or concern that by adding these additional
16 Sani-Cans, and having 21 Sani-Cans in the area would
17 encourage people to continue to occupy the area?

18 A. If I -- after I answer this -- after I answer
19 this question will we take a restroom break, please?

20 Q. Sure. Absolutely.

21 A. All this potty talk.

22 Q. All the talking about Sani-Cans, huh?

23 A. So you know, if I remember correctly, yes, some
24 people -- a few people had that hyp- -- or not even that
25 many. A couple people had that hypothesis and posed it

1 to -- to me. You know, I think it was businesses that
2 asked that question.

3 But, you know, our determination was really
4 based on, you know, demand; right? I mean, our job is
5 to ensure that there -- is -- that urine and feces are
6 not in the street, particularly during COVID, you know,
7 when -- you know, when people knew that human waste
8 was -- is a vector of the disease, you know, along with
9 all of the other, you know, horrible typical things that
10 come with that happening, you know, that -- that is what
11 predicated, you know, how we managed the number.

12 MR. WEAVER: Okay. Let's go ahead and take
13 a break. Let's take what, 15 minutes? Is that
14 sufficient for people?

15 THE WITNESS: Yes, that's --

16 MR. WEAVER: Let's go off the record.

17 THE VIDEOGRAPHER: Going off the record.

18 The time now is approximately 10:49 a.m.

19 (Recess from 10:49 a.m. to 11:06 a.m.)

20 THE VIDEOGRAPHER: Going back on the record.

21 The time now is approximately 11:07 a.m.

22 E X A M I N A T I O N (Continuing)

23 BY MR. WEAVER:

24 Q. So I understand you have something to add to
25 what you previously said about the provision of water;

1 is that correct?

2 A. Yes. I remembered that at a certain point a
3 kind of like food service developed near the shelter
4 house. It wasn't there, you know, through -- like all
5 through the period, and they relied on the water most
6 likely from the hose bib in order to wash their hands,
7 you know, and wash -- and wash dishes. So that would be
8 a -- you know, a use for the water that was -- that was
9 flowing through -- you know, through the Parks property
10 from our system.

11 Q. Okay. Any other uses that I haven't -- I
12 haven't heard about yet that you know of?

13 A. I apologize. I don't remember everything. I
14 remember the food service and the garden that were, you
15 know, coming through there, but also, you know,
16 people -- people may have also been using it to wash
17 their hands, you know, if they didn't want to go all the
18 way over to the sinks that we provided.

19 Q. Okay. And they may have been using it as
20 drinking water too; is that correct?

21 A. It's -- it's possible. It's possible. I don't
22 remember seeing people doing that, but I -- you know,
23 it's very possible.

24 Q. Okay. Going back to Exhibit 10 and the map we
25 were looking at, do you have it in front of you?

1 A. I do now.

2 Q. So this indicates there were -- at least of
3 June 12, 2020, 21 Sani-Cans in the area; correct?

4 A. Yes.

5 Q. Are those -- are those Sani-Cans normally in
6 the area?

7 A. So for context, there were -- I don't know how
8 many cans there were already in the area prior to the
9 time period you're discussing, but there were several
10 cans in this area. I believe there were -- I don't know
11 the exact number, but I believe there were a minimum of
12 six up at -- near 12th and Pine, and that there were a
13 few down at 11th and Olive, as well, you know, and
14 possibly at -- at 11th and Union because of the protests
15 and all of the crowds that had been congregating in
16 Capitol Hill for the entire period of civil unrest that
17 was before this period.

18 Q. Okay. So generally the period of late May to
19 June 8th, there were some Sani-Cans in the general
20 vicinity that were provided by the City; is that
21 correct?

22 A. Yeah, I don't -- I don't remember what date
23 they started to be provided, but they'd -- before --
24 yes, before -- during the period of unrest provoked by,
25 you know, George Floyd's murder, there were -- there

1 Q. Okay. Other than general news articles, you
2 don't know anything?

3 A. Those articles reveal a lot, so yeah, I mean --

4 Q. Okay.

5 A. I feel like I know a lot now.

6 Q. Okay. When did you first visit the area after
7 the police had evacuated the precinct?

8 A. As soon as I learned, and I think it would --
9 let's see. I'm not sure. You know, and -- you know, I
10 just -- I just went over. I just got in my car and went
11 over.

12 Q. Okay. That was on your own initiative?

13 A. Yeah.

14 Q. Okay.

15 A. Yeah, I just -- I mean, I -- I am responsible
16 for ensuring, you know, public health and the continuity
17 of essential services. And if it was in any way a
18 problematic situation, I needed to do it myself so that
19 I didn't ask a staff person to do it.

20 Q. Okay. So at some point you decided you were
21 going to go there every day; right?

22 A. Uh-huh.

23 Q. When did you make that decision?

24 A. I don't know if I really decided that I would
25 go every day. It wasn't like, oh, I'm going to be

1 there -- like, you know, that I just knew in advance. I
2 mean, it just -- in a situation that is unusual -- this
3 was a really unusual, unprecedented situation. I just
4 felt that it was important for me to -- you know, if I
5 was going to be responsible for providing essential
6 services, that, you know, I should be able to really
7 understand the situation, you know, in real time and
8 make sure that, you know, we were doing a good job.

9 Q. At some point were you asked either by somebody
10 in the mayor's office or someone else to engage in
11 discussions with the protesters?

12 A. Well, you know, it's funny, if you're there all
13 the time, right, because I was there about 12 hours a
14 day, I got to know the businesses and the residents and
15 the -- and the protesters and, you know, everybody who
16 was there, and -- you know, and really trying to, you
17 know, just make sure that things were as -- you know,
18 going well as possible in order to provide our services.

19 And so, you know, the mayor's office, I think
20 at some point realized that, you know, I had
21 constructive, respectful relationships with -- with
22 everybody that was there, and so they would ask me to,
23 you know, help coordinate different -- different things.

24 Q. Okay. And were you there -- how often was
25 Idris Beauregard there with you?

1 A. Not at the beginning. I would say not for the
2 first maybe ten days, but then after that -- you know,
3 the couple days that I had to go away he took over
4 completely for me. And so before that, you know, we did
5 some, you know, kind of acculturation, where I
6 introduced him to everybody, you know, businesses,
7 residents, you know, protesters, everybody that I could
8 so that, you know, they all had a degree of familiarity
9 with him, so -- before I went away, and then -- you
10 know, and then -- and then he stayed on with me after
11 that.

12 Q. Okay. Is Idris an employee of Seattle Public
13 Utilities?

14 A. He is, he is. At the -- at the time he was the
15 director for our Clean City program.

16 Q. Okay. How did it come about that you were
17 working with Idris on this interaction and monitoring of
18 the area?

19 A. It was a logical selection on -- on my part
20 because the Clean City program is the program that
21 handles the litter abatement program and also -- you
22 know, and was, you know, whose vendors and staff were
23 helping to, you know, keep the area clean. And Idris
24 is -- you know, has excellent people skills and
25 prioritizes customer service, you know -- you know, and

1 so it was just a -- a good, logical choice in terms of,
2 you know, someone who was, like, really going to
3 prioritize delivery.

4 Q. Okay. Were you also there frequently with Fire
5 Chief Scoggins and Department of Transportation head Sam
6 Zimbabwe?

7 A. Yes, both of them would -- would stop by and,
8 you know, check in, check in with people, you know,
9 conduct other activities to try to ensure their
10 continuity of services.

11 Q. Okay. What was -- what was your interaction
12 with -- with those two in particular, Scoggins and
13 Zimbabwe, over this time period?

14 A. We kept in, you know, close communication about
15 the status of -- you know, of events, and we would act
16 as a team, you know, to work on any City objectives.
17 You know, we were -- we were just -- we were a team,
18 helping each other out.

19 Q. What were some of the City objectives that you
20 were working on with them?

21 A. Well, they both wanted to -- you know, they
22 were both prioritizing the flow of circulation, you
23 know, through the area, and so, you know, if they needed
24 assistance with talking to folks in order to coordinate,
25 you know, any of those -- any changes to circulation or

1 any kinds of modifications to the right-of-way, you
2 know -- you know, I would -- they would -- they would
3 ask me to help out.

4 Q. Okay. What sort of negotiations were you
5 involved in with Chief Scoggins and Mr. Zimbabwe?

6 A. The -- well, we would sometimes, you know, talk
7 to groups of -- of folks to explain the -- you know, the
8 proposals that SDOT had developed in order to maintain
9 cont- -- you know, continuity of circulation. We would
10 sometimes -- there were a couple of occasions when we
11 would meet with, say, the mayor and some of the
12 protesters, you know, or with just the protesters to
13 just hear, you know, what they were aiming for, and
14 what -- and to express what the City objectives were,
15 and to, you know, try to effect a -- you know, just a
16 peaceful transition to a more, you know, kind of -- I
17 don't know what the right word is, normal -- I mean,
18 to -- you know, to get back to -- you know, to -- to
19 regular -- to regular kind of continuity -- regular
20 scheduling of things and regular access.

21 Q. How regularly were you in communication at this
22 time, meaning just, you know, June 8th through July 1,
23 2020, how often were you in communication with the
24 mayor's office?

25 A. I believe I checked in with the mayor's office

1 every day in some way.

2 Q. Were you ever on what's known as cabinet
3 meetings with other department heads and the mayor?

4 A. Infrequently if I did -- if I did, you know,
5 because I was in the field, so I would, you know, with
6 the mayor's office permission, you know, miss a lot of
7 the cabinet meetings.

8 Q. What do you recall during that same time period
9 of June 8th to July 1, 2020, your inter- -- what do you
10 recall your interactions being, if any, with Mayor
11 Durkan, herself?

12 A. I -- I believe the mayor came to the area
13 and -- on one occasion, and I walked her around, you
14 know, so that she could, you know, see it for herself.
15 She may have already been there, but I was just showing
16 her, you know, around, and introducing her to, you know,
17 people. There was another occasion where the mayor came
18 and we talked to business owners, you know, and spent a
19 good part of a day, you know, listening to their
20 concerns and needs. I believe that was most of it.

21 Q. Okay. So it sounds like you were with the
22 mayor in the -- in the zone on two separate occasions;
23 is that right?

24 A. I -- if I remember it correctly, yes.

25 Q. Okay. So let's talk about the first one where

1 were met with significant resistance by protesters, who
2 grew increasingly agitated and aggressive towards City
3 workers from, among other things, SPU.

4 Do you recall that incident?

5 A. I don't, and it -- I don't know if it's
6 accurate. Because we were not there, that I know of.

7 Q. You were not there on the 26th?

8 A. No, to remove the barriers; right? Like -- I
9 mean, it's like -- I -- I -- is that --

10 Q. Okay. So you don't have any memory of this?

11 A. No.

12 Q. Okay.

13 A. Sorry.

14 (Exhibit No. 15 marked.)

15 BY MR. WEAVER:

16 Q. I'd like you to look at Exhibit 15. This is an
17 email that you wrote to Mr. Buechler and copied a couple
18 other people on June 27th. You indicate, "Tomorrow no
19 services AT ALL," with "at all" in all caps.

20 Do you --

21 A. Where am I supposed to be looking? I'm
22 sorry --

23 Q. In your email dated June 27th, the -- I guess
24 it's the third paragraph. There's no indentation, but
25 it's about halfway down your email.

1 A. How does it start? Which -- which -- just --
2 just "Tomorrow no services AT ALL"?

3 Q. You might as well go ahead and look at the next
4 three sentences there, just that -- that portion of your
5 email.

6 A. Yeah. I think that was -- I had a hard day
7 that day. I was really, really wet that day, and there
8 was a service gap on our part, I think, because -- not a
9 service gap, but like a -- like a communication gap, I
10 mean, because somebody else besides Chad was
11 coordinating that day, so I had just gotten really --
12 really wet talking about -- I was talking about -- I was
13 talking about the day before. I was talking about the
14 day before.

15 Q. So -- but this day you're saying tomorrow no
16 services at all because of what was going on in the
17 zone; is that right?

18 A. Yeah. It's just -- people were -- now I re- --
19 now I remember, yeah. People -- I think that, you know,
20 people were -- knew that the barriers were coming down
21 and were a bit agitated, but -- and -- you know, and I
22 was like, I think, having a really bad day.

23 Q. So you were concerned about the safety of your
24 crews; right?

25 MR. CRAMER: Objection.

1 A. I think it's more --

2 MR. CRAMER: Form.

3 A. Yeah, it says -- it says -- what I wrote here
4 is they do not care for the psychological safety of our
5 crews. I think more just, like -- I just -- you know, I
6 think because of the tension that was there. You know,
7 I always just want to make sure that everybody feels
8 totally comfortable and safe, and that it just feels,
9 like, positive, you know, when they're doing their work.
10 And I don't know that I was concerned about their
11 physical safety as much as just, like, you know, the --
12 maybe the protesters there were just being kind of irate
13 and, you know...

14 BY MR. WEAVER:

15 Q. Okay. What did you -- what did you know about
16 them developing composting toilets? Was that in Cal
17 Anderson?

18 A. That was -- I was being sarcastic. They were
19 not going to develop a composting toilet. There was
20 some -- one of them -- one of the -- just -- it was just
21 one protester that was like, yeah, we don't need -- we
22 don't need you guys to take care of public -- public
23 health, you know, we can handle it all, we'll develop a
24 composting toilet. So I was being more -- I was being
25 more sarcastic with -- with Chad.

1 Q. Okay. Were you concerned about your
2 contractors and staff being trapped inside if they
3 provided services in the area?

4 A. Well, my -- throughout -- throughout this
5 entire time, it was always really important to me that
6 there were multiple ways in and out. Not that there was
7 going to be an issue -- so -- so the -- I -- I do
8 remember that the -- the protesters were like, it's no
9 problem. They can just come in. They just have to go
10 out the same way, and -- you know, so we're -- we're
11 just going to guard more entry points and -- during the
12 day.

13 And I was like, that doesn't work. They all --
14 so my philosophy was always during the day all the
15 barriers -- at least when I'm here, all these 12 hours,
16 they always have to be all down; right? So that
17 everybody can get in and out freely; right?

18 And I just wasn't going -- like, I just wasn't
19 going to negotiate that. That was a no negotiation
20 thing for -- for -- for -- for -- for me. Because if I
21 was driving a truck, I would want to just make sure I
22 can just use the streets freely.

23 (Exhibit No. 16 marked.)

24 BY MR. WEAVER:

25 Q. Okay. If you could look at Exhibit 16, I have

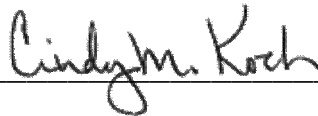
C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Cindy M. Koch, a Certified Court Reporter in
and for the State of Washington, do hereby certify that
the foregoing transcript of the deposition of MAMI HARA,
having been duly sworn, on October 4, 2021, is true and
accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand
and seal this 13th day of October, 2021.



CINDY M. KOCH, CCR, RPR, CRR #2357

My commission expires:

JUNE 9, 2022